

STATEMENT CLAIMING SMALL ENTITY STATUS  
(37 CFR 1.27(a))-NONPROFIT ORGANIZATION

DOCKET NUMBER: 3298.1000-000

Applicant or Pattee: Brian Leyland-Jones and Pierre Wong  
Application or Patent No.: 09/936,507, which is U.S. National Phase of PCT/CA00/00246, filed on 9 March 2000  
Filed or Issued: November 8, 2001 (371(c) Date)  
Title: ELIZA KIT FOR THE DETERMINATION OF METABOLIC PHENOTYPES

I hereby state that I am an official empowered to act on behalf of the nonprofit organization identified below:

NAME OF NONPROFIT ORGANIZATION McGill University  
ADDRESS OF NONPROFIT ORGANIZATION 3550 University Street  
Montreal, Quebec H3A 2A7, Canada

TYPE OF NONPROFIT ORGANIZATION:

- [ X ] UNIVERSITY OR OTHER INSTITUTION OF HIGHER EDUCATION  
[ ] TAX EXEMPT UNDER INTERNAL REVENUE SERVICE CODE (26 U.S.C.501(a) and 501(c)(3))  
[ ] NONPROFIT SCIENTIFIC OR EDUCATIONAL UNDER STATUTE OF STATE OF THE UNITED STATES OF AMERICA  
(NAME OF STATE \_\_\_\_\_)  
(CITATION OF STATUTE \_\_\_\_\_)  
[ ] WOULD QUALIFY AS TAX EXEMPT UNDER INTERNAL REVENUE SERVICE CODE (26 U.S.C. 501(a) and 501(c)(3)) IF LOCATED IN THE UNITED STATES OF AMERICA  
[ ] WOULD QUALIFY AS NONPROFIT SCIENTIFIC OR EDUCATIONAL UNDER STATUTE OF STATE OF THE UNITED STATES OF AMERICA IF LOCATED IN THE UNITED STATES OF AMERICA  
(NAME OF STATE \_\_\_\_\_)  
(CITATION OF STATUTE \_\_\_\_\_)

I hereby state that the nonprofit organization identified above qualifies as a nonprofit organization as defined in 37 CFR 1.27(a)(3) for purposes of paying reduced fees to the United States Patent and Trademark Office regarding the invention described in:

- [ ] the specification filed herewith with title as listed above.  
[ X ] the application identified above.  
[ ] the patent identified above.

I hereby state that the rights under contract or law have been conveyed to and remain with the nonprofit organization regarding the above identified invention. If the rights held by the nonprofit organization are not exclusive, each individual, concern, or organization having rights in the invention must file separate statements as to their status as small entities. No rights to the invention are held by any person who would not qualify as a person under 37 CFR 1.27(a)(1) or by any concern which would not qualify as a small business concern under 37 CFR 1.27(a)(2) or a nonprofit organization under 37 CFR 1.27(a)(3).

Each person, concern, or organization having any rights in the invention is listed below:

- [ ] no such person, concern, or organization exists.  
[ X ] each such person, concern, or organization is listed below.

Xanthus Life Sciences Inc.

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR 1.27(g)(2))

NAME OF PERSON SIGNING \_\_\_\_\_

TITLE IN ORGANIZATION OF PERSON SIGNING ALEX NAVARRE, PhD, MBA

DIRECTOR, OFFICE OF TECHNOLOGY TRANSFER

ADDRESS OF PERSON SIGNING 3550 University, Montreal, QC, H3A 2A7

SIGNATURE Alex Navarre DATE 18/01/2002

**STATEMENT CLAIMING SMALL ENTITY STATUS  
(37 CFR 1.27(a))-SMALL BUSINESS CONCERN**

**DOCKET NUMBER: 3298.1000-000**

Applicant or Patentee: Brian Leyland-Jones and Pierre Wong  
Application or Patent No.: 09/936,507, which is U.S. National Phase of PCT/CA00/00246, filed on 9 March 2000  
Filed or Issued: November 8, 2001 (371(c) Date)  
Title: ELIZA KIT FOR THE DETERMINATION OF METABOLIC PHENOTYPES

I hereby state that I am

- the owner of the small business concern identified below:  
 an official of the small business concern empowered to act on behalf of the concern identified below:

NAME OF SMALL BUSINESS CONCERN Xanthus Life Sciences Inc.  
ADDRESS OF SMALL BUSINESS CONCERN 225 Avenue President Kennedy, Suite PK-5660  
Montreal, Quebec City H2X 3Y8, Canada

I hereby state that the above identified small business concern qualifies as a small business concern as defined in 13 CFR Part 121 for purposes of paying reduced fees to the United States Patent and Trademark Office. Questions related to size standards for a small business concern may be directed to: Small Business Administration, Size Standards Staff, 409 Third Street, SW, Washington, DC 20416 or you may call 202-205-6618.

I hereby state that rights under contract or law have been conveyed to and remain with the small business concern identified above with regard to the invention described in:

- the specification filed herewith with title as listed above.  
 the application identified above.  
 the patent identified above.

If the rights held by the above identified small business concern are not exclusive, each person, concern or organization having rights in the invention must file separate statements as to their status as small entities. No rights to the invention are held by any person who would not qualify as a person under 37 CFR 1.27(a)(1), or by any concern which would not qualify as a small business concern under 37 CFR 1.27(a)(2), or a nonprofit organization under 37 CFR 1.27(a)(3).

Each person, concern or organization having any rights in the invention is listed below:

- no such person, concern, or organization exists.  
 each such person, concern, or organization is listed below.

McGill University

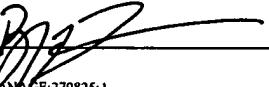
Separate statements are required from each named person, concern, or organization having rights to the invention stating their status as small entities.

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR 1.27(g)(2))

NAME OF PERSON SIGNING Brian Leyland-Jones

TITLE OF PERSON IF OTHER THAN OWNER \_\_\_\_\_

ADDRESS OF PERSON SIGNING 80 S.W. Street, Suite 200 Miami, FLA 33130

SIGNATURE  DATE January 16, 2002